

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
P. CRAIG CARDON, Cal. Bar No. 168646
3 ccardon@sheppardmullin.com
BRIAN BLACKMAN, Cal. Bar No. 196996
4 bblackman@sheppardmullin.com
ELIZABETH S. BERMAN, Cal. Bar No. 252377
5 eberman@sheppardmullin.com
4 Embarcadero Center, 17th Floor
6 San Francisco, California 94111-4109
Telephone: 415.434.9100
7 Facsimile: 415.434.3947

8 Attorneys for Defendant
LUCKY BRAND DUNGAREES, INC.

10 SEAN REIS (SBN 184004)
sreis@edelson.com
11 EDELSON MCGUIRE, LLP
12 30021 Tomas Street, Suite 300
Rancho Santa Margarita, California 92688
13 Telephone: (949) 459-2124
14 Facsimile: (949) 459-2123

15 Attorney for Plaintiff JUVENAL ROBLES

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18

19 JUVENAL ROBLES,

20
21 Plaintiff,

22 v.

23
24 LUCKY BRAND DUNGAREES, INC.,

25
26 Defendant.
27
28

Case No. 10-cv-04846 JF (HRL)

**STIPULATION AND [PROPOSED]
ORDER CONTINUING THE CASE
MANAGEMENT CONFERENCE**

Date: March 4, 2011
Time: 10:30
Place: Courtroom 3, 5th Floor

The Honorable Jeremy Fogel

1 Plaintiff Juvenal Robles and Defendant Lucky Brand Dungarees, Inc. ("Lucky
2 Brand"), by and through their counsel, stipulate:

3 1. Plaintiff filed his Class Action Complaint on October 26, 2010, alleging
4 defendant Lucky Brand violated the Telephone Consumer Protection Act, 47 U.S.C. § 227,
5 by sending an unsolicited text message to plaintiff's cellular telephone in the summer of
6 2008. (Dkt. No. 1.)

7 2. Lucky Brand answered the complaint on January 10, 2011, alleging, among
8 other things, various defenses that included issues involving consent, authorization, and
9 other elements of plaintiff's statutory claims. (Dkt. No. 15.)

10 3. On January 21, 2011, the Court held a case scheduling conference and ordered
11 the parties to participate in a settlement conference before Magistrate Judge Lloyd and to
12 return and report the result of that conference to the Court on March 4, 2011. (*See* Dkt. No.
13 18.)

14 4. Defendant Lucky Brand hired an ad agency, Lime Public Relations +
15 Promotion, to conduct a promotional campaign. The ad agency hired subcontractors to
16 structure and execute a text message element of the promotional campaign.

17 5. Although not presently parties to this litigation, both plaintiff and defendant
18 believe the participation of these third parties in the settlement conference is necessary to
19 ensure a productive settlement conference. In addition, most of the documents necessary to
20 evaluate the strength of plaintiff's claim and defendant's defenses are in the possession of
21 these third parties. Lucky Brand has issued subpoenas to Merkle, Inc. and Take 5 Solutions,
22 LLC in order to collect their documents.

23 6. In light of these developments, the March 4th deadline to complete the
24 settlement conference and report back to the Court does not allow the parties sufficient time
25 to collect and evaluate this third party discovery or to coordinate the participation of these
26 third parties in the settlement conference. Defendant Lucky Brand is actively arranging the
27 attendance of these third parties for the ordered settlement conference.
28

7. The parties, therefore, respectfully request an additional forty-two (42) days to complete the settlement conference and further request the Court continue the March 4th Case Scheduling Conference to April 15, 2011 or to any date thereafter that is convenient to the Court.

IT IS SO STIPULATED.

Dated: February 11, 2011

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Brian R. Blackman
CRAIG CARDON
BRIAN R. BLACKMAN
Attorneys for
Defendant LUCKY BRAND DUNGAREES, INC.

Dated: February 11, 2011

EDELSON MCGUIRE LLP

By /s/ Sean Reis
SEAN REIS
Attorneys for
Plaintiff JUVENAL ROBLES

CERTIFICATION

I, Brian Blackman, am the ECF User whose identification and password are being used to file this Stipulation And [Proposed] Order Continuing The Case Management Conference. In compliance with General Order 45.X.B., I hereby attest that Sean P. Reis has concurred in this filing.

Dated: February 11, 2011

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP


By /s/ Brian R. Blackman
BRIAN R. BLACKMAN
Attorneys for
Defendant LUCKY BRAND DUNGAREES, INC.

ORDER

Having considered the parties' stipulation and good cause appearing, the Court continues the Case Scheduling Conference to April 15, 2011 at 10:30 a.m.

IT IS SO ORDERED.

Dated: February ²⁴__, 2011


The Honorable Jeremy Fogel
United States District Judge